

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TOMMY LEE MATTHEWS,

Plaintiff,

No. CIV S-05-0437 LKK GGH P

vs.

SACRAMENTO COUNTY, et al.,

Defendants.

ORDER

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On July 12, 2006, plaintiff filed a motion requesting that he be transferred to a new prison. Plaintiff is currently housed at Pelican Bay State Prison (PBSP). He alleges that his access to the law library is limited at PBSP because he is not in a regular program.

Plaintiff does not allege that he has suffered an actual injury as a result of his allegedly inadequate law library access. Lewis v. Casey, 518 U.S. 343, 349, 354 (1996)(holding that a prisoner claiming unconstitutional denial of access to the courts must allege actual injury and that the mere inability to litigate effectively is insufficient).

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Accordingly, IT IS HEREBY ORDERED that plaintiff's July 12, 2006, motion
for a transfer due to inadequate law library access is denied.

DATED: 8/23/06

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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